IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.8653 of 2008
MANOJ RAI
Versus
THE STATE OF BIHAR
---

4 15.05.2008 Heard both sides.

The petitioner is the brother of the P.D.S. Dealer. He is facing accusation under section 7 of the Essential Commodities Act on the basis of allegation that the person who was driving the bullock cart loaded with wheat named the petitioner. It has been submitted that the seized wheat has not any connection with the petitioner. It has further been submitted that S.I. of Police is not appropriately empowered to make search and seizure as per government notification dated 25.5.2006.

Counsel for the petitioner further submits, with reference to the certified copy of the order dated 28.4.2009 passed in Cr. Misc. No. 12812/2008 (Krishna Deo Rai Vrs. State of Bihar), that the P.D.S. dealer who also figures as one of the accused has since been granted the privilege of anticipatory bail by this Court..

In the facts and circumstances of the case, the prayer of anticipatory bail is allowed. In the event of arrest or surrender in the Court below within four weeks from today, the petitioner Manoj Rai will be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Samastipur in connection with Warishnagar P.S. case no. 129/2007 subject to the condition as laid under section 438(2) of Code of Criminal Procedure.

pkj **(Kishore K. Mandal, J)**

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